67th Legislature HB 308.1

1 HOUSE BILL NO. 308 2 INTRODUCED BY . DURAM 3 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DYED SPECIAL FUEL; 4 5 CLARIFYING THAT THE USE OF UNTAXED DYED SPECIAL FUEL ON PUBLIC ROADS AND HIGHWAYS 6 IS SUBJECT TO EXISTING CIVIL PENALTIES; AND AMENDING SECTION 15-70-441, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 **Section 1.** Section 15-70-441, MCA, is amended to read: 11 "15-70-441. Dyed special fuel restrictions -- penalties. (1) (a) A person may not use untaxed dyed 12 special fuel in violation of 15-70-403(8) or (9) or to operate a motor vehicle on the public roads and highways of 13 this state unless: 14 (i) the motor vehicle has a gross vehicle weight of greater than 12,000 pounds, exclusive of any 15 towed units, is equipped with a feed delivery box that is permanently affixed to the vehicle, and is used solely 16 for the feeding of livestock; or 17 (ii) the use is permitted pursuant to rules adopted under subsection (1)(c). 18 (b) (i) The purposeful or knowing use of untaxed dyed special fuel in a motor vehicle operating on the 19 public roads and highways of this state in violation of 15-70-403(8) or (9) or this subsection (1) is subject to the 20 civil penalty imposed under subsection (1)(b)(ii). Each use is a separate offense. The civil penalty may be in 21 addition to criminal penalties imposed under 15-70-443. 22 (ii) The department shall, after giving notice and holding a hearing, if requested, impose a civil penalty 23 not to exceed \$1,000 for the first offense and \$5,000 for the second offense for using dyed special fuel in 24 violation of the provisions of this section. A subsequent offense is subject to criminal penalties imposed under 25 15-70-443. 26 (c) The department shall adopt and enforce reasonable rules for the movement of off-highway vehicles traveling from one location to another on the public roads and highways of this state when using dyed 27 28 special fuel or nontaxed fuel.



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1 (2) The operator of the vehicle is liable for the tax imposed in 15-70-403. If the operator refuses or
2 fails to pay the tax, in whole or in part, the seller of the dyed special fuel is jointly and severally liable for the tax
3 imposed under 15-70-403 and for the penalties described in this section if the seller knows or has reason to
4 know that the fuel will be used for a taxable purpose."

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Legislative Services Division

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